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Federal Communications Commission
Office of the Secretary

TELEPHONE: 504-524-5328
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OUR FILE NO.

March 7, 1991

93-199 /

VIA HAND DELIVERY

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Rulemaking No. 7610

**COMMENTS URGING ADOPTION OF
RULEMAKING PROCEEDING**

Dear Ms. Searcy:

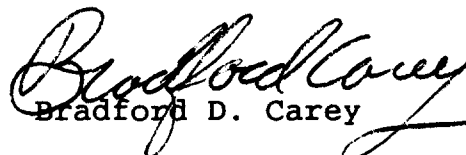
I transmit herewith an original and four copies of Comments Urging Adoption of Rulemaking Proceeding to be filed in the captioned matter on behalf of Walker, Bordelon, Hamlin, Theriot & Hardy.

Should the Commission have any questions regarding this matter, kindly direct them to the undersigned.

Additionally, I would be appreciative if a copy of any correspondence regarding this matter be directed to the undersigned.

With kindest personal regards, I am

Sincerely,


Bradford D. Carey

BDC/jg
Enclosures

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BEFORE THE

Federal Communications Commission

Federal Communications Commission
Office of the Secretary

WASHINGTON, D.C. 20554

IN RE

PETITION FOR RULEMAKING

REQUEST AMENDMENT OF COMMISSION
RULES SETTING STANDARDS FOR
AVIATION RECEIVERS

RULEMAKING NO. 7610

TO: THE SECRETARY

COMMENTS URGING ADOPTION OF RULEMAKING PROCEEDING

The law firm of Walker, Bordelon, Hamlin, Theriot & Hardy ("Hardy, et al"), on behalf of itself, attorneys thereof practicing communications law, and various of its clients¹, urges the Commission to expeditiously open a rulemaking proceeding in response to the Petition of John Furr and Associates, Inc. ("Furr").

By Public Notice, FCC Report No. 1836 (released February 7, 1991), the Commission gave notice of the Furr filing. Hardy, et al. routinely practices law before this Commission. As part of its representation of various clients, Hardy, et al. has participated

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including Albert Leon Brooks, an applicant in FCC MM Docket No. 90-112 for a new construction permit for Valdosta, Georgia, and Cumberland Communication Corporation, an applicant in FCC MM Docket No. 89-107 for a new FM station at Coalmont, Tennessee.

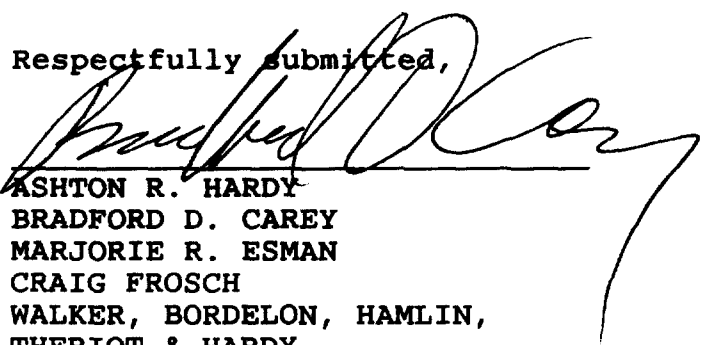
in the filing of numerous applications for construction permits.
any of these require FAA approval.

Traditionally, FAA approval could be assumed unless the applicant (proponent in the FAA's lexicon) sought construction of a tall tower in a VFR flyway or in a location where it would be a physical hazard to aircraft departing, circling or landing (including those making an instrument landing). For the past few years, however, the FAA has over stepped its authority by denying determinations of no hazard to air navigation, issuing determinations of hazard to air navigation or just not acting on requests for determination because the FAA fears that broadcasts from the station might somehow interfere with aircraft communications or navigation.

Adoption of rules by this Commission that require receivers utilized in aircraft communications and navigations is both logical and warranted. From a safety of life standpoint it is important that a receiver function properly. The FCC should assure itself that the receivers authorized for aircraft use are appropriately designed, constructed, and maintained. Once such assurance is achieved through an appropriate minimum standards program, the FAA's paranoia over what seemingly is a mainly theoretical problem will be put to rest. Then there will be no justification for the FAA attempting to usurpt the Commission's statutory obligations to mangage the communications spectrum.

To create an appropriate basis for setting standards for aircraft receivers, we believe the Commission should expeditiously issue a Notice of Proposed Rulemaking. Then, the Commission should follow up with a decision, based on the record, at an early date.

Respectfully submitted,



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March 7, 1991